

**Testimony of  
Gerard Keegan  
CTIA – The Wireless Association®  
In Opposition to Senate Bill 316  
February 7, 2013**

**Before the Connecticut General Assembly General Law Committee**

Chairman Doyle, Chairman Baram, and members of the committee, I am Gerry Keegan, Senior Director of State Legislative Affairs for CTIA-The Wireless Association®. CTIA is the international trade association representing wireless carriers, device manufacturers, and Internet service providers. I am here today to speak in opposition to Senate Bill 316. The wireless industry believes this legislation, which would require the labeling of cell phones, is unnecessary.

In 1996, the Federal Communications Commission (FCC), after consultation with the Food and Drug Administration (FDA), the Environmental Protection Agency (EPA), the Occupational Safety and Health Administration (OSHA), and the National Institute for Occupational Safety and Health (NIOSH), adopted standards governing radiofrequency (RF) energy from cell phones and determined that all cell phones that comply with those standards are safe for use by the general public. The FCC's RF safety standards have been reviewed and affirmed by the courts. More recently, in June 2012, the U.S. Government Accountability Office concluded that: "[s]cientific research to date has not demonstrated adverse human health effects of exposure to radio-frequency (RF) energy from mobile phone use, but research is ongoing that may increase understanding of any possible effects. In addition, officials from the Food and Drug Administration (FDA) and the National Institutes of Health (NIH) as well as experts GAO interviewed have reached similar conclusions about the scientific research."<sup>1</sup>

As part of its RF standards, the FCC issued a maximum RF exposure limit based on a Specific Absorption Rate (SAR) of 1.6 W/kg that struck the "proper balance between the need to protect the public

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<sup>1</sup> U.S. Government Accountability Office Report 12-771, available at <http://www.gao.gov/assets/600/592901.pdf> (last visited Feb 6, 2013).

and workers from exposure to potentially harmful RF electromagnetic fields and the requirement that industry be allowed to provide telecommunications services to the public in the most efficient and practical manner possible.”<sup>2</sup> In doing so, the FCC specifically rejected additional restrictions that “would impose significant and unnecessary economic and technical burdens for which adequate justification has not been presented.”<sup>3</sup>

The FCC asserted that its standards represent the “best scientific thought and are sufficient to protect the public health.”<sup>4</sup> No wireless device may be offered for sale or lease in the United States unless the cell phone has been authorized in accordance with the FCC’s RF regulations. The FCC states that “[a]ny cell phone at or below these SAR levels (that is, any phone legally sold in the U.S.) is a ‘safe’ phone, as measured by these standards.”<sup>5</sup> In addition, the Federal Radiofrequency Interagency Work Group, composed of representatives from FCC, FDA, EPA, NIOSH, OSHA, and National Telecommunications and Information Administration, continues to monitor the medical literature in this area to ensure the FCC standards remain appropriate.<sup>6</sup>

The FCC based its standards on recommended guidelines adopted by international standards-setting bodies, including the Institute of Electrical and Electronic Engineers, the American National Standards Institute, and the National Council on Radiation Protection and Measurements. These institutions are “composed of leading experts” in the area of the health effects of RF emissions; indeed, in the area of radio frequency operation and safety “there is no comparable group of experts with which to consult or upon which to rely.”<sup>7</sup>

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<sup>2</sup> *FCC Second Order* ¶¶ 2, 5, 29, 39; *Cellular Phone Taskforce*, 205 F.3d at 91-92.

<sup>3</sup> *FCC First Order*, 11 F.C.C.R. at 15140 ¶ 45.

<sup>4</sup> The FCC has explained that its RF testing, certification, and emissions standards “protect the public health with respect to RF radiation from [all] FCC-regulated transmitters,” including wireless phones. In re Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation, Release No. 96-326, 11 F.C.C.R. 15123, 15184 ¶ 169 (1996) (“FCC First Order”).

<sup>5</sup> See “Cellular Telephone Specific Absorption Rate (SAR),” available at <http://www.fcc.gov/cgb/sar/> (last visited Feb 6, 2013).

<sup>6</sup> See Cell Phones, available at: <http://www.fda.gov/Radiation-EmittingProducts/RadiationEmittingProductsandProcedures/HomeBusinessandEntertainment/CellPhones/default.htm> (last visited Feb 6, 2013).

<sup>7</sup> *FCC EMR Network Order*, 18 F.C.C.R. at 16826 ¶ 10; *EMR Network v. FCC*, 391 F.3d 269, 273 (D.C. Cir. 2004).

Leading national and international health and safety organizations have concluded that there are no known adverse health risks associated with the use of wireless devices. In fact, the FDA concludes that, “[t]he scientific evidence does not show a danger to any users of cell phones from RF exposure, including children and teenagers.”<sup>8</sup> Additionally, the FCC states in its consumer fact sheet on the issue of wireless devices and health concerns that, “[s]ome health and safety interest groups have interpreted certain reports to suggest that wireless device use may be linked to cancer and other illnesses, posing potentially greater risks for children than adults. While these assertions have gained increased public attention, currently no scientific evidence establishes a causal link between wireless device use and cancer or other illnesses.”<sup>9</sup> Moreover, in its June 2011 factsheet on this issue, the World Health Organization advises that, “[a] large number of studies have been performed over the last two decades to assess whether mobile phones pose a potential health risk. To date, no adverse health effects have been established as being caused by mobile phone use.”<sup>10</sup>

The bill’s labeling mandate on cell phones is intended to serve as a consumer product warning. The Maine Legislature considered and rejected a similar proposed labeling bill in 2010. It did so based, in large measure, on testimony provided by then-director of the state Center for Disease Control and Prevention, Dr. Dora Anne Mills. Dr. Mills summarized it best when she advised the Maine Legislature that “to warn against something, there should be a defined risk. Our [Maine CDC and Department of Health and Human Services] reading of the research, including numerous studies and analyses, does not indicate there is a defined cancer risk to warn against.”<sup>11</sup> Moreover, Dr. Mills explained that issuing warnings based on undefined risks would result in an “over-warned and turned-off public as well as a lack

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<sup>8</sup> See Children and Cell Phones, available at <http://www.fda.gov/Radiation-EmittingProducts/RadiationEmittingProductsandProcedures/HomeBusinessandEntertainment/CellPhones/ucm116331.htm> (last visited Feb 6, 2013).

<sup>9</sup> See Wireless Devices and Health Concerns, available at <http://www.fcc.gov/cgb/consumerfacts/mobilephone.html> (last visited Feb 6, 2013).

<sup>10</sup> See Electromagnetic fields and public health: mobile phones, available at <http://www.who.int/mediacentre/factsheets/fs193/en/index.html> (last visited Feb 6, 2013).

<sup>11</sup> Testimony of Dora Anne Mills, M.D., Ph.D., Director, Maine Center for Disease Control and Prevention, in Opposition to Maine LD 1706, Cell Phone Warning Label Legislation, 03/02/2010 at page 1.

of credibility in the warnings themselves.”<sup>12</sup> As the Maine CDC found, mandating cell phone labeling is unnecessary and would result in consumers doubting the efficacy of warning labeling generally, thereby lessening the impact of labels on other consumer products where they serve to protect consumers from defined risks and true harm.

On a broader level, this bill could lead to substantial consumer concerns about the general use and safety of all FCC-compliant wireless products. Requiring the labeling of cell phones provides no context to consumers and can only create confusion and anxiety. Consumers may decide to forgo the purchase or use of wireless devices that are important for personal safety. As consumers have come to rely on wireless technology in emergencies, encouraging underutilization by questioning the safety of wireless devices could in fact compromise the public’s safety.

Finally, the federal government’s exclusive jurisdiction over radio communications is predicated on a finding that national regulation is not only appropriate, but it is essential to the operation of a seamless, interstate telecommunications network because radio waves operate without regard to any state lines. In light of the federal government’s primacy over wireless communications in general and RF in particular, state government authority to regulate in this area is severely constrained.

In conclusion, the FCC recently announced that, although the “current standards are appropriate and protect the public,”<sup>13</sup> it has drafted and presented to the Commission for consideration a Notice of Inquiry to review its RF standards. Accordingly, we respectfully request that Connecticut refrain from moving SB 316. Thank you for the opportunity to be here today.

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<sup>12</sup> Id at page 4.

<sup>13</sup> FCC Letter from Julius P. Knapp, Chief of the Office of Engineering and Technology, to Mark Goldstein, Director of Physical Infrastructure Issue at the U.S. Government Accountability Office, dated July 6, 2012, available at <http://www.gao.gov/assets/600/592901.pdf> (last visited Feb. 6, 2013).